

ESTTA Tracking number: **ESTTA352889**

Filing date: **06/15/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Karmaloop, Inc.
Granted to Date of previous extension	06/16/2010
Address	131 Tremont Street, 2nd Floor Boston, MA 02111 UNITED STATES
Attorney information	Aaron Silverstein Saunders & Silverstein LLP 14 Cedar Street, Suite 224 Amesbury, MA 01913 UNITED STATES asilverstein@massiplaw.com, trademarks@massiplaw.com Phone: 978-463-9130

### Applicant Information

Application No	77727674	Publication date	02/16/2010
Opposition Filing Date	06/15/2010	Opposition Period Ends	06/16/2010
Applicant	Rolewicz, Aaron M. 331 Van Buren Street Fort Myers, FL 33916 UNITED STATES		

### Goods/Services Affected by Opposition


Class 025. First Use: 2007/04/00 First Use In Commerce: 2007/06/00  
All goods and services in the class are opposed, namely: T-shirts

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3408653	Application Date	07/31/2007
Registration Date	04/08/2008	Foreign Priority Date	NONE
Word Mark	KARMALoop		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 1999/11/30 First Use In Commerce: 1999/11/30 On-line retail store services featuring apparel, footwear, watches, wallets, hats, messenger bags, handbags, tote bags, backpacks, bandanas, underwear, belts, printed matter, toys, flash memory devices, jewelry, sunglasses, and accessories; Retail store services featuring apparel, footwear, watches, wallets, hats, messenger bags, handbags, tote bags, backpacks, bandanas, underwear, belts, printed matter, toys, flash memory devices, jewelry, sunglasses, and accessories

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	KARMALoop.COM		
Goods/Services	On-line retail store services featuring apparel, footwear, watches, wallets, hats, messenger bags, handbags, tote bags, backpacks, bandanas, underwear, belts, printed matter, toys, flash memory devices, jewelry, sunglasses, and accessories; Retail store services featuring apparel, footwear, watches, wallets, hats, messenger bags, handbags, tote bags, backpacks, bandanas, underwear, belts, printed matter, toys, flash memory devices, jewelry, sunglasses, and accessories		

Attachments	77243738#TMSN.jpeg ( 1 page )( bytes ) 20100615125558 karmaloop rolewicz nop final.pdf ( 4 pages )(207045 bytes ) exhibit a final.pdf ( 3 pages )(158299 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/asilverstein/
Name	Aaron Silverstein
Date	06/15/2010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

KARMALoop, INC.,

Opposer,

v.

AARON M. ROLEWICZ

Applicant.

Opposition No.

Application Serial No. 77727674

NOTICE OF OPPOSITION

Karmaloop, Inc. (“Opposer”), a Delaware corporation with a principal place of business at 131 Tremont Street, Boston, MA 02111, believes that it will be damaged by



registration of the mark g e n e s, which mark is the subject of

Application Serial No. 77727674, filed by Aaron M. Rolewicz (“Applicant”), and which

mark was published for opposition in the *Official Gazette* of February 16, 2010.

The grounds for the opposition are as follows:

1. On May 2, 2009, Applicant filed the subject application to register the



mark g e n e s for “T-shirts,” in International Class 25, based upon actual use of the mark.

2. Long prior to the filing date of Applicant’s subject application, and Applicant’s alleged date of first use of April 30, 2007, Opposer adopted the marks KARMALoop and KARMALoop.COM, and Opposer has since used such marks in

interstate commerce continuously and extensively in connection with the sale of apparel, and other goods and services similar to those allegedly provided by Applicant. Through extensive advertising, promotion, and use of its KARMALOOP and KARMALOOP.COM marks, Opposer has built a strong reputation for high quality goods and services offered thereunder. Opposer's KARMALOOP and KARMALOOP.COM marks have, long prior to Applicant's filing date and its alleged date of first use, come to be distinctive and to uniquely identify Opposer and its goods and services.

3. Opposer is the owner of the following U.S. trademark registration:


Reg. No.	Mark	Filing Date	Reg. Date
3408653	KARMALOOP	July 31, 2007	April 8, 2008

A copy of the current status and title of Opposer's above-referenced trademark registration is attached as Exhibit A.

4. The mark of Application Serial No. 77727674 is substantially and confusingly similar to Opposer's registered mark KARMALOOP and KARMALOOP.COM common law mark.

5. The goods recited in Application Serial No. 77727674 are closely related to the goods and services with which Opposer has used and is using its KARMALOOP and KARMALOOP.COM marks, and, on information and belief, Applicant's goods may be offered to the same general class of customers to whom Opposer offers its goods and services under its KARMALOOP and KARMALOOP.COM marks.



6. The applied-for  mark sought to be registered by Applicant so closely resembles Opposer's KARMALOOP and KARMALOOP.COM

marks as to be likely to cause confusion, mistake, or deception of the relevant trade and public, all to Opposer's damage. Customers and potential customers are likely to believe

The logo for Karma Genes, featuring a stylized 'G' inside a circle followed by the word 'kar·ma' in a bold, sans-serif font, with 'genes' in a smaller font below it.

that Applicant's goods offered under the mark emanate from, or are licensed or approved by, Opposer, when that is not the case. Such confusion would be a source of damage to Opposer.

7. If Applicant is granted the registration herein opposed, he would thereby

The logo for Karma Genes, featuring a stylized 'G' inside a circle followed by the word 'kar·ma' in a bold, sans-serif font, with 'genes' in a smaller font below it.

obtain a *prima facie* right to exclusive use of the mark, which would be a further source of damage to Opposer.

WHEREFORE, Opposer believes that it will be damaged by registration of said mark, and prays that this Opposition be sustained, that Application Serial No. 77727674 be rejected, and that the mark applied for therein be refused registration.

Respectfully submitted,

KARMALOOP, INC.

By its attorneys.

A handwritten signature in black ink, appearing to read 'Aaron Silverstein'.

Dated: June 15, 2010

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Aaron Silverstein, Esq.  
Saunders & Silverstein LLP  
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Amesbury, MA 01913-1831  
P: 978-463-9130  
F: 978-463-9109  
E: asilverstein@massiplaw.com

CERTIFICATE OF SERVICE

I hereby certify that on June 15, 2010, this Notice of Opposition was served on Applicant by delivering a true and correct copy thereof to Applicant by depositing same with the United States Postal Service, postage pre-paid, via first class mail, addressed to:

Aaron M. Rolewicz  
331 Van Buren Street  
Fort Meyers, FL 33916-2862

A handwritten signature in black ink, appearing to read 'Aaron Silverstein', written over a horizontal line.

Aaron Silverstein

# **EXHIBIT A**

**Int. Cl.: 35**

**Prior U.S. Cls.: 100, 101 and 102**

**United States Patent and Trademark Office**

**Reg. No. 3,408,653**

**Registered Apr. 8, 2008**

**SERVICE MARK  
PRINCIPAL REGISTER**

**KARMALoop**

KARMALoop, LLC (MASSACHUSETTS LTD  
LIAB CO)  
131 TREMONT STREET, 2ND FLOOR  
BOSTON, MA 02109

FOR: ON-LINE RETAIL STORE SERVICES FEATURING APPAREL, FOOTWEAR, WATCHES, WALLETS, HATS, MESSENGER BAGS, HANDBAGS, TOTE BAGS, BACKPACKS, BANDANAS, UNDERWEAR, BELTS, PRINTED MATTER, TOYS, FLASH MEMORY DEVICES, JEWELRY, SUNGLASSES, AND ACCESSORIES; RETAIL STORE SERVICES FEATURING APPAREL, FOOTWEAR, WATCHES, WALLETS, HATS, MESSENGER BAGS, HANDBAGS, TOTE BAGS, BACKPACKS, BANDANAS,

UNDERWEAR, BELTS, PRINTED MATTER, TOYS, FLASH MEMORY DEVICES, JEWELRY, SUNGLASSES, AND ACCESSORIES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 11-30-1999; IN COMMERCE 11-30-1999.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 77-243,738, FILED 7-31-2007.

MATTHEW PAPPAS, EXAMINING ATTORNEY



## United States Patent and Trademark Office

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## Trademark Assignment Abstract of Title

## Total Assignments: 1

**Serial #:** [77243738](#)**Filing Dt:** 07/31/2007**Reg #:** [3408653](#)**Reg. Dt:** 04/08/2008**Registrant:** Karmaloop, LLC**Mark:** KARMALoop

## Assignment: 1

**Reel/Frame:** [3887/0347](#)**Received:** 11/13/2008**Recorded:** 11/13/2008**Pages:** 3**Conveyance:** ASSIGNS THE ENTIRE INTEREST**Assignor:** [KARMALoop, LLC](#)**Exec Dt:** 10/18/2008**Entity Type:** LIMITED LIABILITY COMPANY**Citizenship:** MASSACHUSETTS**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Assignee:** [KARMALoop, INC.](#)

131 TREMONT STREET

BOSTON, MASSACHUSETTS 02111

**Correspondent:** AARON SILVERSTEIN

14 CEDAR STREET, SUITE 224

AMESBURY, MA 01913

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350.  
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